

Public Document Pack



To: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Bell, Delaney, Henrickson, Mennie, Sellar and Townson.

Town House,
ABERDEEN 10 February 2020

LICENSING COMMITTEE

The Members of the **LICENSING COMMITTEE** are requested to meet in **Committee Room 2 - Town House** on **TUESDAY, 18 FEBRUARY 2020 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

NOTIFICATION OF URGENT BUSINESS

1.1 Urgent Business

DETERMINATION OF EXEMPT BUSINESS

2.1 Exempt Business

CONFIDENTIAL BUSINESS

3.1 Confidential Business

DECLARATIONS OF INTEREST

4.1 Declarations of Interest (Pages 5 - 6)

DEPUTATIONS

- 5.1 Deputations

MINUTES AND COMMITTEE BUSINESS PLANNER

- 6.1 Minute of Previous Meeting of 3 December 2019 (Pages 7 - 14)
- 6.2 Minute of Meeting of the Licensing Sub Committee of 17 December 2019
(Pages 15 - 18)
- 6.3 Committee Business Planner (Pages 19 - 20)

APPLICATIONS FOR LICENCES - INCLUDING LIST OF APPLICATIONS

- 7.1 Renewal of a Licence for a House in Multiple Occupation - 17 Gort Road, Aberdeen (Pages 23 - 26)
- 7.2 Renewal of a Licence for a House in Multiple Occupation - 41 Wingate Road, Aberdeen (Pages 27 - 28)
- 7.3 Renewal of a Licence for a House in Multiple Occupation - 10D Froghall Place, Aberdeen (Pages 29 - 30)
- 7.4 Renewal of a Licence for a House in Multiple Occupation - Flat 2, 48 Summerfield Terrace, Aberdeen (Pages 31 - 42)
- 7.5 Grant of a Late Hours Catering Licence - Testy Kebab, 25-50 Langstane Place, Aberdeen (Pages 43 - 44)
- 7.6 Grant of a Late Hours Catering Licence - Middle East Restaurant, 11 Holburn Street, Aberdeen (Pages 45 - 56)
- 7.7 Grant of a Street Trader's Licence - Supawadee Sahawongwattana
(Pages 57 - 58)
- 7.8 Grant of a Taxi Licence - Gordon Officer (Pages 59 - 60)

CONFIDENTIAL INFORMATION - APPLICATIONS, INCLUDING LIST OF APPLICATIONS, TO BE HEARD IN PRIVATE

Applications to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973.

- 8.1 Renewal of a Taxi Driver's Licence (Pages 63 - 64)
- 8.2 Renewal of a Taxi Driver's Licence (Pages 65 - 66)
- 8.3 Renewal of a Taxi Driver's Licence (Pages 67 - 68)
- 8.4 Renewal of a Taxi Driver's Licence (Pages 69 - 72)
- 8.5 Renewal of a Private Hire Car Driver's Licence (Pages 73 - 76)
- 8.6 Grant of a Street Trader's (Employee) Licence (Pages 77 - 80)

Should you require any further information about this agenda, please contact Mark Masson, tel 01224 522989 or email mmasson@aberdeencity.gov.uk

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DECLARATIONS OF INTEREST

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons

For example, I know the applicant / I am a member of the Board of X / I am employed by... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

OR

I have considered whether I require to declare an interest in item (x) for the following reasons however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

OR

I declare an interest in item (x) for the following reasons however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
 - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
 - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

OR

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

LICENSING COMMITTEE

ABERDEEN, 3 December 2019. Minute of meeting of the LICENSING COMMITTEE. Present: Councillor Reynolds, Convener; Councillor Malik, Vice Convener; and Councillors Allan, Bell, Delaney, Henrickson, Mennie, Sellar and Townson.

The agenda and reports associated with this minute can be found [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

CONFIDENTIAL BUSINESS

1. The Committee was advised that the applications/requests listed at item 9 on the agenda were to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973.

The Committee resolved:-

to note that applications/items of business to be heard in private and treated as confidential information in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973 were listed at item 9 on the agenda.

DECLARATIONS OF INTEREST

2. There were no declarations of interest intimated.

MINUTE OF PREVIOUS MEETING OF 29 OCTOBER 2019

3. The Committee had before it the minute of its meeting of 29 October 2019 for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE BUSINESS PLANNER

4. The Committee had before it the committee business planner as prepared by the Chief Officer – Governance.

The Committee resolved:-

to note the committee business planner.

LICENSING COMMITTEE

3 December 2019

PRESENTATION BY ANTISOCIAL BEHAVIOUR INVESTIGATION TEAM

5. With reference to appendix B, Item 1 of the minute of the previous meeting of 29 October 2019, the Committee received a presentation from Angela Ryan and Christian Campbell, Investigation Officers in relation to the work of the Anti-Social Behaviour Investigation Team (ASBIT).

Ms Ryan and Mr Campbell provided information with regards to the following:-

- a definition of anti-social behaviour;
- the aims of the ASBIT Team;
- professional development;
- operational hours;
- types of anti-social behaviour dealt with by the team;
- noise levels; and
- actions that can be taken by the team.

Officers responded to a number of questions by members.

The Committee resolved:-

to thank officers for their insightful presentation.

APPLICATIONS FOR LICENCES

6. The Committee had before it, for its consideration, the applications listed in Appendix A to this minute.

The Committee resolved:-

that all applications be determined on the basis shown in Appendix A and that all licences were subject to the Council's standard conditions unless otherwise stated.

TAXI FARE REVIEW - GOV/19/451

7. With reference to article 9 of the minute of the previous meeting of 29 October 2019, the Committee had before it a report by the Chief Officer – Governance presented the outcome of the representations to the proposed taxi tariff scales as advertised in accordance with statutory requirements.

The Committee also had before it, a letter of representation which had been submitted following the initial agenda circulation.

The report recommended:-

that the Committee –

LICENSING COMMITTEE

3 December 2019

- (a) note the content of the report and that (at the time of the initial agenda being published) there were no representations made by members of the taxi trade or the public to the consultation;
- (b) agree to fix fares at the 7% increase by way of adjusting the yardage figures and for the surcharges to remain unchanged;
- (c) instruct the Chief Officer - Governance to amend the fare card at surcharge 5 to reflect the holiday dates for 2020 and 2021;
- (d) approve the Tariff Card attached at Appendix 1 and instructs the Chief Officer – Governance to provide written notice to all taxi licence holders of the new tariff and their right of appeal; and
- (e) agree that the tariff will take effect from 29 January 2020, provided no appeal is lodged with the Traffic Commissioner.

The Convener, seconded by the Vice Convener moved:-
that the Committee approve the recommendations.

Councillor Delaney, seconded by Councillor Bell moved as an amendment:-
that the Committee take no action.

On a division, there voted:- for the motion (7) – the Convener, the Vice Convener and Councillors Allan, Henrickson, Mennie, Sellar and Townson; for the amendment (2) – Councillors Bell and Delaney.

The Committee resolved:-
to adopt the motion.

SEXUAL ENTERTAINMENT VENUE LICENSING - GOV/19/452

8. The Committee had before it a report by the Chief Officer – Governance which outlined the results of the public consultation and sought consideration whether to introduce a licensing system for Sexual Entertainment Venues.

The report recommended:-
that the Committee –

- (a) consider the responses to the recent consultation exercise;
- (b) introduce a licensing system for Sexual Entertainment Venues; and
- (c) identify a commencement date for the licensing system for Sexual Entertainment Venues to be introduced.

The Committee resolved:-

- (i) approve recommendations (a) and (b); and
- (ii) agree that 1 January 2021 would be the commencement date for the licensing system for Sexual Entertainment Venues to be introduced.

LICENSING COMMITTEE
3 December 2019

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the applications listed in section 9 on the agenda and appendix B of the minute which contained confidential information in terms of Section 50A 3(b) of the Local Government (Scotland) Act 1973.

APPLICATIONS FOR LICENCES - CONFIDENTIAL BUSINESS

9. The Committee had before it, for its consideration, the applications listed in Appendix B to the minute.

The Committee resolved:-

that all applications be determined on the basis shown in Appendix B and that all licences were subject to the Council's standard conditions unless otherwise stated.

- **COUNCILLOR JOHN REYNOLDS, Convener**

LICENSING COMMITTEE

3 December 2019

APPENDIX A

1. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 101 CRAIGIVAR CRESCENT, ABERDEEN**
Application Reference 7/01

The Committee had before it a report by the Private Sector Housing Manager in respect of the application.

The applicant was not in attendance, nor represented.

The Committee resolved:-
to refuse the renewal of the licence.

2. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 47C SUMMERFIELD TERRACE, ABERDEEN**
Application Reference 7/02

The Committee noted that the licence had been granted under delegated powers.

3. **RENEWAL OF A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 23D BEDFORD AVENUE, ABERDEEN**
Application Reference 7/03

The Committee noted that the licence had been granted under delegated powers.

4. **APPLICATION FOR THE GRANT OF A LATE HOURS CATERING LICENCE**
APPLICANT: THE BLUE ELEPHANT TAKEAWAY
LOCATION: 299 GEORGE STREET, ABERDEEN
Application Reference 7/04

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which provided details relating to the grant of a late hours catering licence.

The applicant was not in attendance, nor represented.

The Committee resolved:-
to refuse the grant of a licence.

LICENSING COMMITTEE
3 December 2019

APPENDIX B

1. **GRANT OF A TAXI DRIVER'S LICENCE**
Application Reference 9/01

The Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the application had to be determined by 30 January 2020.

The licence holder was in attendance and spoke in support of the application.

The Committee asked questions of the applicant.

The Committee resolved:

to defer consideration of the application to allow a medical report to be received and to agree that should a clear medical report be received, the Chief Officer - Governance could grant the licence under delegated powers, or otherwise that the application be referred to a meeting of the Licensing Sub Committee for consideration.

LICENSING COMMITTEE

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LICENSING SUB COMMITTEE

ABERDEEN, 17 December 2019. Minute of Meeting of the LICENSING SUB COMMITTEE. Present:- Councillor Malik, Acting Convener; and Councillors Bell (as substitute for Councillor Reynolds) Sellar and Henrickson (as substitute for Councillor Townson).

The agenda and reports associated with this minute can be found [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

CONVENER

1. In the absence of the Convener, Councillor Malik took the Chair for today's meeting.

CONFIDENTIAL INFORMATION

The press and public were excluded from the meeting for consideration of the applications listed below in terms of Section 50(A)(3)(b) of the Local Government (Scotland) Act 1973.

SUSPENSION OF A TAXI DRIVER'S LICENCE

2. The Sub Committee had before it an information sheet prepared by the Chief Officer – Governance in respect of the application which advised that the licensing authority in terms of their delegated powers, took the decision to suspend the taxi driver's licence in terms of paragraph 12(1) of the Schedule, because they were of the opinion that by continuing to operate as a taxi driver, he was causing, or likely to cause a serious threat to public safety. It was noted that such a suspension lasted for a maximum of 6 weeks and this hearing was convened as under paragraph 11 of the Schedule, a hearing must be arranged within that time.

Mr Munro, Legal Advisor, provided the Sub Committee with a verbal update on the application.

Sergeant Flett was in attendance on behalf of Police Scotland and spoke in support of the suspension.

The licence holder was in attendance, along with his representative and employer, and his representative spoke in response to the suspension of the licence.

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17 December 2019

The Sub Committee asked questions of Sergeant Flett and the licence holder's representative.

The licence holder's representative and Sergeant Flett summed up.

The Sub Committee resolved:-

to agree to take no action.

- **COUNCILLOR M. TAUQEER MALIK, Acting Convener**

LICENSING SUB COMMITTEE
17 December 2019

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	A	B	C	D	E	F	G	H	I
1	LICENSING COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference Number	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			18 February 2020						
4	Taxi Fare Formula	Licensing Committee on 25 October 2016 (articles 5 and 9) resolved amongst other things to instruct the Licensing Team Leader to undertake a review of the existing taxi fare formula, including surcharges, following the completion of the current taxi fare review.		Lynn May	Governance	Governance	3	R	A report is no longer required as this was addressed during the course of the Fare Review.
5			21 April 2020						
6	No reports scheduled at this time.								
7			16 June 2020						
8	Committee Annual Effectiveness Report for 2019/20	To present the annual effectiveness report for the Committee.		Mark Masson	Governance		GD 7.5		
9			01 September 2020						
10	No reports scheduled at this time.								
11			10 November 2020						
12	No reports scheduled at this time.								
13			TBC						
14	Age Policy For Private Hire And Taxi Vehicles	Licensing Committee 08.03.16 (article 3 appendix A) - Council on 11 May 2016 resolved, amongst other things, to instruct the Head of Legal and Democratic Services to review the policy on Age of Vehicles following the implementation of the accessible vehicle policy on 6 June 2018 and report back to the Licensing Committee with recommendations as appropriate twelve months after the accessible vehicle policy had been implemented.	Report to be submitted 12 months after the implementation of the accessible vehicle policy.	Sandy Munro	Governance	Governance	7		

LICENSING COMMITTEE - LIST OF APPLICATIONS

	Application Type	Name of Applicant(s)	Premises, Vehicle or Area to which Application Refers	Objections or Representations Received From	Date by which Application to be Determine (If Applicable)	Agenda Page Number
1.	HMO Application (Renewal)	Matthew Searle + Winchesters Lettings Limited	17 Gort Road, Aberdeen	HMO Team, Private Sector Housing Unit	28 March 2020	23-26
2.	HMO Application (Renewal)	Mark Rushton	41 Wingate Road, Aberdeen	HMO Team, Private Sector Housing Unit	10 April 2020	27-28
3.	HMO Application (Renewal)	Mark Rushton	10D Froghall Place, Aberdeen	HMO Team, Private Sector Housing Unit	10 April 2020	29-30
4.	HMO Application (Renewal)	Terry Roberts & Anne Hunter + Aberdeen Property Leasing	Flat 2, 48 Summerfield Terrace, Aberdeen	One Objection	10 November 2020	31-42
5.	Late hours Catering Licence (Grant)	Mohammed Shaheen Ahmed	Testy Kebab, 25-50 Langstane Place, Aberdeen	Legal	04/05/2020	43-44
6.	Late hours Catering Licence (Grant)	Middle East Restauarnt Ltd	Middle East Restaurant, 11 Holburn Street	Env Health Public x 4	04/06/2020	45-56
7.	Street Trader (Grant)	Supawadee Sahawongwattana	Howemoss Crescent West side, 220m West of Northern Junction with Howemoss Avenue Trading Hours:Monday – Sunday 0900 – 1700hrs	Legal Env Health	11/03/2020	57-58
8.	Taxi Licence (Grant)	Gordon Officer	SF60 AXP	Legal	28/02/2020	59-60

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LICENSING COMMITTEE INFORMATION SHEET

18 February 2020

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: MATTHEW SEARLE

AGENT: WINCHESTERS LETTINGS LIMITED

ADDRESS: 17 GORT ROAD, ABERDEEN

INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the applicant has not completed the work & certification requirements to bring the property up to the current HMO standard. The meeting of the Licensing Committee on 18 February 2020, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 18 February 2020. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.17 Gort Road, Aberdeen, is a first-floor flat providing accommodation of 3 letting bedrooms, 2 public rooms, one kitchen & one bathroom. The applicant has requested an occupancy of 3 tenants, which is acceptable in terms of space and layout. The application under consideration is to renew an existing HMO licence.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

OBJECTIONS/REPRESENTATIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – no objections

COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:
'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'

GROUNDINGS FOR REFUSAL

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
 - i) Its location
 - ii) Its condition
 - iii) Any amenities it contains
 - iv) The type & number of persons likely to occupy it
 - v) Whether any rooms within it have been subdivided
 - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
 - vii) The safety & security of persons likely to occupy it
 - viii) The possibility of undue public nuisance

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and the registration includes No.17 Gort Road.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.17 Gort Road.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) All faulty or missing lightbulbs to be replaced.
 - 2) A lightshade to be fitted to the bathroom light.
 - 3) The bedroom furniture to be rearranged to allow access to the electrical sockets.
 - 4) The gas boiler to be repaired as necessary.
 - 5) CO detectors to be installed in every room within which a gas appliance is sited.
 - 6) All self-closing doors to be checked and adjusted as necessary to ensure that they fully close against their stops.
 - 7) All windows to be checked and adjusted/repared as necessary to ensure that they open for ventilation purposes.
 - 8) The bedroom doorhandles to be securely refixed.
 - 9) The silicone seal around the bath to be replaced.

10) A Notice of HMO Application - Certificate of Compliance, Gas Safe certificate, PAT certificate & Tenancy Agreement to be submitted to the HMO Unit.

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LICENSING COMMITTEE INFORMATION SHEET

18 February 2020

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: MARK RUSHTON

ADDRESS: 41 WINGATE ROAD, ABERDEEN

INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the applicant has not completed the work & certification requirements to bring the property up to the current HMO standard. The meeting of the Licensing Committee on 18 February 2020, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 18 February 2020. I will advise the Committee whether the applicant has satisfactorily completed the necessary work & certification requirements.

DESCRIPTION

The premises at No.41 Wingate Road, Aberdeen, is an inner-terraced house providing accommodation of 3 letting bedrooms, one public room, one kitchen & one bathroom. The applicant has requested an occupancy of 3 tenants, which is acceptable in terms of space and layout. The application under consideration is to renew an existing HMO licence.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

OBJECTIONS/REPRESENTATIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – no objections

COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:
'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'

GROUNDINGS FOR REFUSAL

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
 - i) Its location
 - ii) Its condition
 - iii) Any amenities it contains
 - iv) The type & number of persons likely to occupy it
 - v) Whether any rooms within it have been subdivided
 - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
 - vii) The safety & security of persons likely to occupy it
 - viii) The possibility of undue public nuisance

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and the registration includes No.41 Wingate Road.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.41 Wingate Road.
- The extent of the above-mentioned work & certification requirements is as follows:
 - 1) All self-closing doors to be checked and adjusted as necessary to ensure that they fully close against their stops.
 - 2) A Notice of HMO Application - Certificate of Compliance, Gas Safe certificate & PAT certificate to be submitted to the HMO Unit.

LICENSING COMMITTEE INFORMATION SHEET

18 February 2020

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: MARK RUSHTON

ADDRESS: 10D FROGHALL PLACE, ABERDEEN

INFORMATION NOTE

At the date of drafting this Information Note, a new HMO licence cannot be granted for the reason that the applicant has not completed the certification requirements to bring the property up to the current HMO standard. The meeting of the Licensing Committee on 18 February 2020, is the last meeting before the one-year statutory deadline for determining this HMO licence application therefore if the property is still unsuitable by the day of the Committee, and the Committee are minded to refuse the application, they must do so at the meeting on 18 February 2020. I will advise the Committee whether the applicant has satisfactorily completed the certification requirements.

DESCRIPTION

The premises at No.10 Froghall Place, Aberdeen, is a first-floor flat providing accommodation of 3 letting bedrooms, one public room, one kitchen & one bathroom. The applicant has requested an occupancy of 3 tenants, which is acceptable in terms of space and layout. The application under consideration is to renew an existing HMO licence.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

OBJECTIONS/REPRESENTATIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – no objections

COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:
'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'

GROUNDINGS FOR REFUSAL

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
 - i) Its location
 - ii) Its condition
 - iii) Any amenities it contains
 - iv) The type & number of persons likely to occupy it
 - v) Whether any rooms within it have been subdivided
 - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
 - vii) The safety & security of persons likely to occupy it
 - viii) The possibility of undue public nuisance

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and the registration includes No.10D Froghall Place.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has a record of 3 complaints over a 9-day period in June 2019 involving the tenants of No.10D Froghall Place. Each complaint alleged loud music and ASBIT staff witnessed loud music on one occasion. They instructed the volume to be reduced which was complied with and no further complaints have been received.
- The extent of the above-mentioned certification requirements are as follows:
 - 1) A Notice of HMO Application - Certificate of Compliance, Gas Safe certificate & PAT certificate to be submitted to the HMO Unit

LICENSING COMMITTEE INFORMATION SHEET

18 February 2020

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: TERRY ROBERTS & ANNE HUNTER

AGENT: ABERDEEN PROPERTY LEASING

ADDRESS: FLAT 2, 48 SUMMERFIELD TERRACE, ABERDEEN

INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that one letter of representation/objection was submitted to the HMO Unit within the statutory 21-day 'Notice' period, therefore the Committee is obliged to consider it.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence, it may do so as all work and certification requirements have been satisfactorily completed.

DESCRIPTION

The premises at Flat 2, 48 Summerfield Terrace, Aberdeen, is a first-floor tenement flat providing accommodation of 3 letting bedrooms, one public room, one kitchen & one bathroom. The applicant wishes to accommodate a maximum of 3 tenants, which is acceptable to the HMO Unit in terms of space & layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building for the 21-day statutory period, alerting the general public to the HMO licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – one letter of representation/objection received within the statutory 21-day 'Notice' period (Attached as Appendix B).
- Licence-applicant – one letter from the applicant's agent in response to the letter of representation/objection (Attached as Appendix C)

COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:
'Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'

GROUNDINGS FOR REFUSAL

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
 - i) Its location
 - ii) Its condition
 - iii) Any amenities it contains
 - iv) The type & number of persons likely to occupy it
 - v) Whether any rooms within it have been subdivided
 - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
 - vii) The safety & security of persons likely to occupy it
 - viii) The possibility of undue public nuisance
 - ix) There is, or would be, an overprovision of HMOs in the locality

OTHER CONSIDERATIONS

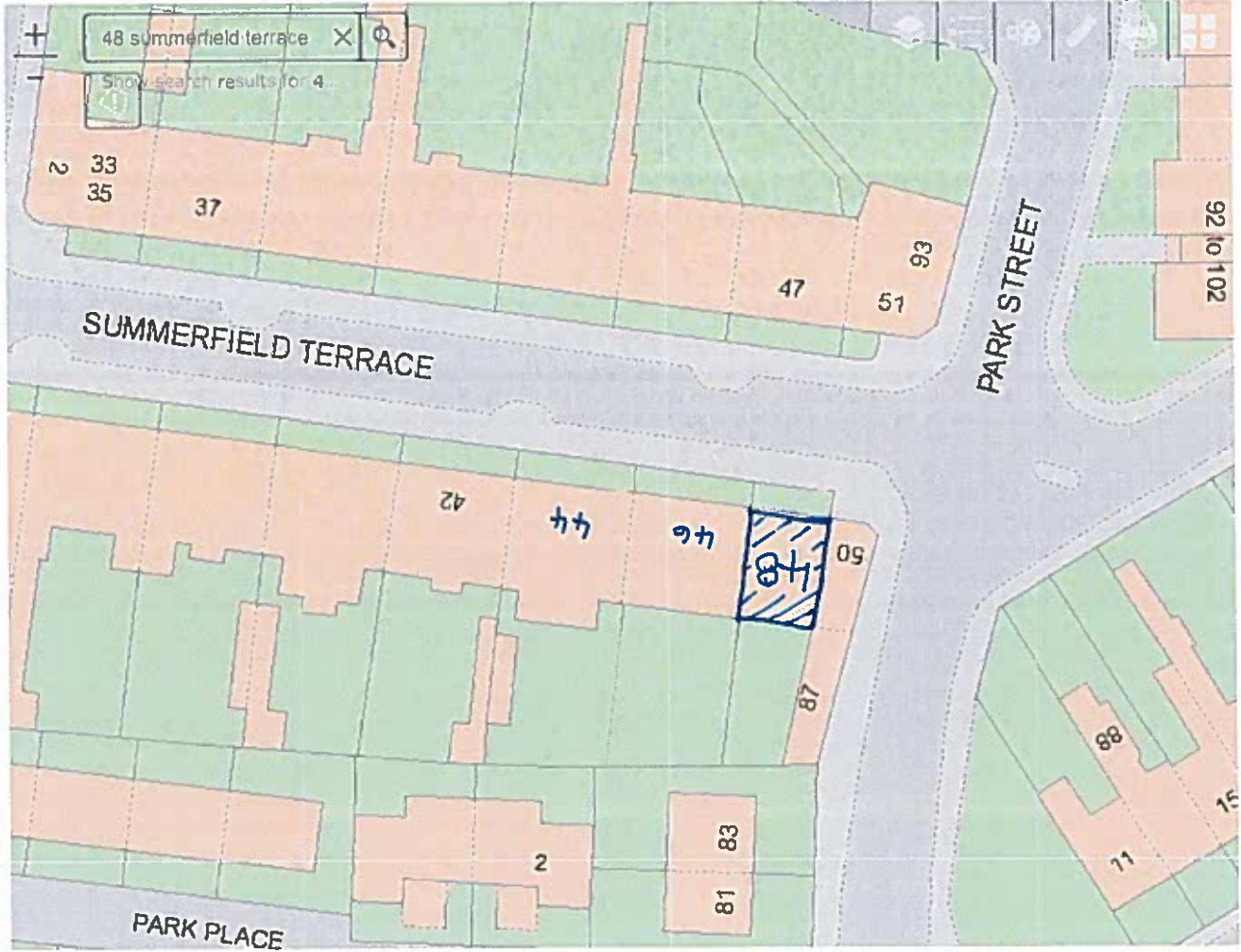
- Police Scotland was consulted in respect of the applicants' suitability as 'fit & proper' persons and made no comment or objection.
- The Scottish Fire & Rescue Service was consulted in respect of the suitability of the premises as an HMO and made no comment or objection.
- The applicants are registered as landlords with this Council and their registrations include Flat 2, 48 Summerfield Terrace.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of Flat 2, 48 Summerfield Terrace.
- The application under consideration is to renew an existing HMO licence. An HMO licence for the property was first granted to the applicants in October 2003.



Housing Web Map Application

Portal for ArcGIS

User Guide



394,557.014 806,778.163 Meters

Aberdeen City Council
Housing & Environment
DATE RECEIVED 29 NOV 2019
Private Sector Housing Unit

B

Aberdeen City Council Customer Service Centre
HMO Licensing Department
Ground Floor
Marischal College
Broad Street
Aberdeen
AB10 1AB

28th November 2019

To Whom It May Concern,

I am writing to you today to issue an objection to my neighbours' application for an HMO Licence being granted.

The property in question is:

FLAT 2
48 SUMMERFIELD TERRACE
AB24 5JD
ABERDEEN
REF: HOUS156396385

The main reason for my objection is due to excessive noise coming from the property and the strong belief that more than 3 people are living in the property. I believe there could be up to 5 people living in the flat leading to additional unnecessary noise.

I have previously contacted Aberdeen Property Leasing (APL) on more than one occasion in relation to the behaviour of the tenants, but can honestly say that not much has changed since the tenants were spoken to.

Unfortunately due to these issues, I have had to take some time off work due to tiredness caused by the current tenants and can provide evidence of such as well as evidence of other effects they are having on my day to day life. I currently work for the NHS and being unable to work to the best of my abilities can have a detrimental impact on my whole department.

I recently went into Marischal College to enquire about what the next steps are and have also submitted a hand written, signed, letter as well.

All evidence can be provided both electronically and in hard copy form, should you require this sent to you then please do not hesitate to get in touch.

I hope to hear from you soon so this can come to a satisfactory conclusion.

Regards,

Shaun Gray



ABERDEEN
PROPERTY
LEASING

C

31 December 2019

FAO Ally Thain
HMO Unit, Housing & Environment
Business Hub 1
Lower Ground Floor West
Marischal College
Broad Street
Aberdeen, AB10 1AB

Aberdeen City Council
Housing & Environment
DATE RECEIVED
05 JAN 2020
Private Sector Housing Unit

Dear Sir

Objection to HMO Licence
48b Summerfield Terrace 1st Left Aberdeen AB24 5JD

Thank you for your letter of 25th November which came as a surprise to us. We were aware that soon after these tenants moved in, the downstairs neighbours had cause to complain. Our Lettings Director Stuart Carnie, dealt with this the same day and to our knowledge there have been no further instances. Certainly we have not been contacted in any way since then by Mr Gray or anyone else in the block. We had no reason to believe there was continuing problem.

These tenants moved in on 5th August 2019. On 14th October the first (and only) complaint was received and dealt with by telephone and the conversation confirmed in writing to both the tenants and Mr Gray. I have enclosed copy File Notes regarding the telephone conversations and copies of emails sent and received all on the same date. You will note that Stuart's email to Mr Gray did end with saying if he had any further issues to let him know. There has been no further communication either verbal or written until the letter of objection to you on 21st November. I'm sure you would agree, that if we are unaware of a problem, we cannot be expected to deal with it.

Whilst I understand how important tenant's behaviour in a property and due respect and consideration to neighbours is, I do feel that this objection is based on one single complaint. APL dealt with the matter in a timeous manner, this has been resolved and we have no reason to believe there will be any further issues.

I'm sure your Agent will have confirmed that his visit on 26th November showed that all is well with the property, it meets the standards required to comply with the regulations and is being well looked after by the tenants.

Rosemount House, 138-140 Rosemount Place, Aberdeen AB25 2YU.
Email - info@a-pl.co.uk
Telephone: (01224) 635355 Fax: (01224) 626698
Registered Office.

www.primelet.com

CEO: Y. Gilberl, Directors: D. Lamb (Managing Director), A.D. Pirie, M.I. Davison, S. Alsop

Registered in Scotland No. 141851



C

I do hope the foregoing and the enclosures will be sufficient to allow you to grant the licence.

Yours faithfully

Marjory Davison
Director
Letting Registration Number LARN1903098

Enc:
File Note 14/10/19 – Stuart Carnie call from Mr Gray and message to tenant
14/10/19 – Stuart Carnie’s conversation with Lead Tenant
Email 14/10/19 – Complaint from Mr Gray and Stuart Carnie’s reply
14/10/19 – Email to lead tenant confirming conversation
14/10/19 – Reply from tenant confirming receipt and understanding

C

Edit Details : D4-418741

Navigation icons: Home, Previous, Next, End

Reference 418741	Event Type Log File Entry <input type="button" value="Edit"/>	Event Participants	
Description Complaint received from a neighbour regarding noise		Property	SUMMTR49 <input type="button" value="View"/> <input type="button" value="Edit"/>
Event Date <input type="button" value="Monday"/> <input type="text" value="14/10/2019"/> <input type="button" value="13:35"/>		Tenant	MULLAN9 <input type="button" value="View"/> <input type="button" value="Edit"/>
User <input type="text" value="STUART CARNIE"/> <input type="button" value="Change User"/>		Landlord	HUNTERTE <input type="button" value="View"/> <input type="button" value="Edit"/>
Notes Complaint received from a neighbour regarding noise from the Tenants. Music and banging. SC called the main Tenant (Thomas) at 1.35pm and left a voicemail. (vodafone) - SC- 14/10		Supplier	--- <input type="button" value="View"/> <input type="button" value="Edit"/>
<input type="button" value="Timestamp"/>		Applicant	--- <input type="button" value="View"/> <input type="button" value="Edit"/>
		Branch	APL <input type="button" value="View"/> <input type="button" value="Edit"/>
		Type Ref	0
		<input type="button" value="Mail Merge"/>	<input type="button" value="Send Text Message"/>
		<input type="button" value="Delete"/>	
		<input type="button" value="Refresh"/>	<input type="button" value="Print"/>
		<input type="button" value="Close"/>	

'C'

Edit Details : D4-418751

Reference: 418751 Event Type: Log File Entry [Edit]

Description: Stuart called the lead Tenant (Thomas) again aroun

Event Date: Monday 14/10/2019 15:06 [Calendar] [Time]

User: STUART CARNIE [Change User]

Event Participants

Property	SUMMTR48	View	...	Edit
Tenant	MULLANS	View	...	Edit
Landlord	HUNTERTE	View	...	Edit
Supplier	—	View	...	Edit
Applicant	—	View	...	Edit
Branch	APL	View	...	Edit

Notes: Stuart called the lead Tenant (Thomas) again around 2:50pm by telephone and informed a complaint has been received from a neighbour regarding the noise during the weekend. Stuart did not disclose the name of the person who complained and informed anti social behaviour is not acceptable and this breaks the terms of let agreed. Stuart also informed this behaviour may cause issues with the HMO license. Thomas was deeply sorry and assured Stuart their behaviour will change immediately. Stuart informed an e-mail will be issued and the document will be kept on file. The called terminated after 8 minutes. Stuart immediately contacted Shaun who issued the complaint and informed the matter is now beleived to be closed. Stuart has written to all Tenants and fomally replied to Shaun's e-mail. Imported. SC - 14/10

Type Ref: 0

Mail Merge Send Text Message

Delete

Refresh Print

Close

Marjory Davison

C

From: Stuart Carnie
Sent: 14 October 2019 14:59
To:
Cc: Stuart Carnie
Subject: RE: Complaint

SHAUN GRAY

Good Afternoon Shaun

I refer to our call this morning and confirm I had a lengthy telephone call with the head Tenant this afternoon. The telephone call lasted around 10 minutes and I informed the Tenant of the following: -

- 1 – Music volume will require to be significantly reduced after 11pm.
- 2 - All Tenants require to respect the neighbours within the building and all doors require to be closed quietly.
- 3 – All smoking requires to take place on the street as the lease stipulates strictly no smoking in the property.
- 4 – It would be best to finish a load of washing before 11pm to ensure no noise of the machine takes place after 11pm.

I note the head Tenant was deeply sorry for their actions which took place over the weekend and they have taken their own decision to ensure the terms of the let are followed as offered and agreed at the time of entry. I informed it would be best to place a note through all neighbour's doors if any future parties are planned.

I will also write to the Tenants today and highlight the points noted on the telephone call.

If you have additional queries please let me know.

Thank you

Regards
Stuart

Stuart Carnie
Lettings Director

Aberdeen Property Leasing

Rosemount House
138 Rosemount Place
Aberdeen
AB25 2YU

Phone - (01224) 635355

Landlord Registration Number 06119/100/16370
Letting Agent Registration Number LARN1903098

www.primelet.com

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Allison Guyan

C

From: Stuart Carnie
Sent: 14 October 2019 15:06
To:
Cc: Stuart Carnie
Subject: 48B Summerfield Terrace

Good Afternoon.

I refer to my telephone call with yourself Tom regarding a formal complaint we have received from neighbours within the building. I noted the following points within the complaint and I would appreciate if you can please agree to the following points to ensure no further issues arise during the let: -

- 1 – Music volume will require to be significantly reduced after 11pm.
- 2 - All Tenants require to respect the neighbours within the building and all doors require to be closed quietly.
- 3 – All smoking requires to take place on the street as the lease stipulates strictly no smoking within the property.
- 4 – It would be best to finish a load of washing before 11pm to ensure the noise of the machine does not disturb the neighbours during the night.

If you have any queries please let me know.

Thank you.

Regards
Stuart

Stuart Carnie
Lettings Director

Aberdeen Property Leasing

Rosemount House
138 Rosemount Place
Aberdeen
AB25 2YU

Phone - (01224) 635355

Landlord Registration Number 06119/100/16370
Letting Agent Registration Number LARN1903098

www.primelet.com

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Allison Guyan

C

From: Thomas Mullan
Sent: 14 October 2019 15:57
To: Stuart Carnie
Cc:
Subject: Re: 48B Summerfield Terrace

Good afternoon Stuart,

Thank you for getting in touch this afternoon and for dealing with the neighbours complaint. I have discussed the complaint with my flat mates and we all agree to adhere to the points made in the email sent by yourself, although would like to add with regard to point 3 that no smoking has been taking place within the flat.

Hopefully no further issues will occur.

Kind regards,

Tom

On 14 Oct 2019, at 15:05, Stuart Carnie

wrote:

Good Afternoon.

I refer to my telephone call with yourself Tom regarding a formal complaint we have received from neighbours within the building. I noted the following points within the complaint and I would appreciate if you can please agree to the following points to ensure no further issues arise during the let: -

- 1 – Music volume will require to be significantly reduced after 11pm.
- 2 - All Tenants require to respect the neighbours within the building and all doors require to be closed quietly.
- 3 – All smoking requires to take place on the street as the lease stipulates strictly no smoking within the property.
- 4 – It would be best to finish a load of washing before 11pm to ensure the noise of the machine does not disturb the neighbours during the night.

If you have any queries please let me know.

Thank you.

Regards
Stuart

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LICENSING COMMITTEE INFORMATION SHEET

18 February 2020

TYPE OF APPLICATION: LATE HOURS CATERING GRANT

APPLICANT: Mohamed Ahmed

INFORMATION NOTE

Application must be determined by 4 May 2020

DESCRIPTION

Late hours catering grant - hours requested are outwith policy. Applicant has applied for a LHC from 23:00 to 04:00 Monday to Sunday.

CONSULTEES

- Police Scotland
- Environmental Health
- Scottish Fire and Rescue Service

OBJECTIONS/REPRESENTATIONS

Police Scotland

COMMITTEE GUIDELINES/POLICY

Committee's Policy states that premises within the city centre have a maximum terminal hour of 0300 Sunday to Thursday.

GROUNDINGS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i) for the time being disqualified from holding a licence, or

(ii) not a fit and proper person to be the holder of the licence;

(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may

be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

(d)there is other good reason for refusing the application;

and otherwise shall grant the application.

LICENSING COMMITTEE INFORMATION SHEET

18 February 2020

TYPE OF APPLICATION: LATE HOURS CATERING GRANT

APPLICANT: Middle East Restaurant Ltd

INFORMATION NOTE

Application must be determined by 4 June 2020

DESCRIPTION

Grant of Late Hours Catering Licence

CONSULTEES

- Police Scotland
- Environmental Health
- Scottish Fire and Rescue Service

OBJECTIONS/REPRESENTATIONS

Environmental Health
Public Objections x 4

COMMITTEE GUIDELINES/POLICY

N/A

GROUNDS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i) for the time being disqualified from holding a licence, or

(ii) not a fit and proper person to be the holder of the licence;

(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may

be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

(d)there is other good reason for refusing the application;

and otherwise shall grant the application.



Our Ref. ACG/11Holburn
Your Ref. Andrew Gilchrist
Contact
Email Commercial@aberdeencity.gov.uk
Direct Dial 01224 522720
Direct Fax 01224 523887

19th December 2019

For the attention of Alexander Munro
Team Leader – Licensing
Legal and Democratic Services
Corporate Governance
Business Hub 6
Level 1 South

Commercial
Team |
Operations and
Protective
Services

Aberdeen City Council
Business Hub 15
Third Floor South
Marischal College
Broad Street
Aberdeen AB10 1AB

Dear Sir,

Civic Government (Scotland) Act 1982
Application for Grant of a Late Hours Catering Licence by Middle East
Restaurant Ltd
At: Middle East Restaurant, 11 Holburn Street, AB10 6BS

This Service is responsible for enforcing food safety and health and safety legislation within commercial food premises.

The premises was visited by this Service on 16th December to investigate complaints received relating to a possible gas leak and issues with ventilation. At this time, it was established that whilst the gas supply had initially been switched off an inspection had since been carried out by a competent person for all new gas installations (relating to the front takeaway) and were deemed safe to use. The existing gas appliances however had not been inspected and the applicant was informed that they must make the necessary arrangements to have this done. I have yet to receive an update from the applicant in relation to this. The ventilation could not be viewed at this time due to limitations on access. Arrangements are being made to view the ducting in the next coming weeks.

The applicant has not registered the food business with this Service and this Service is due to visit the premises to undertake a scheduled inspection, at which time compliance with food hygiene and health and safety requirements will be fully assessed.

At this time, I am not convinced that the condition of the premises is suitable for the activities associated with a late hours catering licence and that there is the possibility

ROB POLKINGHORNE – CHIEF OPERATING OFFICER



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of undue public nuisance. Therefore, I believe it is premature for this business to hold such a licence.

However, if the Committee are of a view to grant this application, I would recommend that it is for a period of six months only to enable this Service to assess compliance by the food business

This representation is brought to your attention for whatever action you may deem necessary.

Yours faithfully,

Andrew Gilchrist
Principal Environmental Health Officer

Enc.

Licensing Team

Legal and Democratic Services

Corporate Governance, Business Hub 6 L15

Marischal College, Aberdeen, AB10 1AQ

6th December 2019



I wish to raise an objection relating to the licence applied by Mr Rebaz Ismail located at 11 Holburn Street for LATE HOURS CATERING at Middle East Restaurant Ltd.

The main reasons for raising this objection are: Disturbance to the residents living above and nearby the premises after 11pm. Increased anti-social behaviour in the area of upper Holburn Street.

Disturbance will likely be in the form of excess noise eg. Shouting, from persons waiting to order and subsequently standing outside to consume their food, either directly in front of the door to No.13 Holburn or in the adjacent bus shelter. My partner is an adult support worker who often arrives home late following her shift and is worried about the probability of being prevented access due to people (possibly intoxicated) blocking her entrance and leaning on or beside the main door, as it is located less than a meter from the entrance to No.11 Middle East Restaurants Ltd. My partner and I are certain other residents also do not want to be put into a position of vulnerability when entering or exiting the building during late hours.

There is plenty of late night catering premises already operating in this area, ie. Marcos, Marmaris, Herdy's Dolphin. There is no real need for another premises offering late hours trading at this location.

I would also like to highlight a recent serious cause for concern relating to Middle East Restaurant. Our upstairs neighbour, a resident at 13 Holburn St came home to the smell of gas, he called SGN emergency gas services and a service technician came out on the 1st December to inspect and subsequently located a gas leak which was coming from the kitchen of Middle East Restaurant, apparently someone had forgotten to turn off the gas when leaving. We were told the gas had time to build up to dangerous levels. This is extremely concerning!

If you wish to investigate this further a job report can be made available via SGN: Job W116 833 519

I believe local businesses will be unhappy and concerned by excess litter and waste from food and takeaway packaging no doubt discarded outside their shop fronts and on our footpaths. Leading to vermin problems and other environmental health issues.

Thank you for taking my above objection into consideration, please feel free to contact me directly for any clarification or further information.

Regards,

Licensing Team
-egal and Democratic Services.
Corporate Governance
Business Hub 6 LIS
Marischal College
Aberdeen.
AB10 1AQ

13/12/2019.

To Whom It May Concern,

I, Jordan Sparrow, residing at [redacted] hereby object to the granting of a Late Hours catering licence for Middle East Restaurant Ltd operating at 11 Holburn Street, AB10 6SS. The grounds for this objection are the increase in anti-social behaviour this licence will bring, including littering and public disturbance. Please find attached an image taken at 0730 13/12/2019 of evidence of the aforementioned anti-social behaviour outside of the addresses of 11 and 13 Holburn Street.

Yours Sincerely

Jordan Sparrow



Licensing Team
Legal and Democratic Services
Corporate Governance.
Business Hub 6 LIS
Marischal College.
Aberdeen
AB10 1AQ
13/12/2019



To Whom It May Concern,

I, Jordan Sparrow, of the above given address, with permission on behalf of Alex Koh, of 11 Holburn Street, AB10 6BS, who is the owner of 11 Holburn Street, AB10 6BS, object to the granting of a Late Hours Catering licence for Middle East Restaurants Ltd at 11 Holburn Street, AB10 6BS.

The grounds for this objection are the increased levels of environmentally damaging factors, such as noise, smell and litter. I have been informed by other tenants and owners within the area of increased levels of the aforementioned environmental concerns from Middle East Restaurant under their current operating licence.

Yours Sincerely,

Alex Koh
Page 53

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RECEIVED
19 DEC 2019

Licensing Team
Legal & Democratic services
Corporate Governance
Business Hub 6 L15
Marischal College
Aberdeen
AB10 1AQ

16th December 2019

To Whom it may concern,

I, Hollie Irving, residing at _____ hereby object to the granting of a late hours catering licence for Middle East Restaurant Ltd operating at 11 Holburn Street, AB10 6BS. The grounds for this objection are the increase in anti-social behaviour this licence will bring, including littering and public disturbance.

If you have any other questions please contact me on the number below.

Thank you for this consideration.

Yours sincerely,

Hollie Irving



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LICENSING COMMITTEE INFORMATION SHEET 18 February 2020

TYPE OF APPLICATION: APPLICATION FOR GRANT OF A STREET TRADER
LICENCE

APPLICANT: SUPAWADEE SAHAWONGWATTANA

PREMISES: N/A

DESCRIPTION

- The application requires to be determined by 11/03/2020

OBJECTIONS/REPRESENTATIONS

- The applicant requires a certificate of compliance from Environmental Health

COMMITTEE GUIDELINES/POLICY

n/a

GROUND FOR REFUSAL

Where an application for a street trader's licence is made in respect of an activity which –

- (a) Consists of or includes food business and
- (b) Involves the use of a vehicle, kiosk or movable stall

the Licensing authority shall, refuse the application unless there is produced to them a certificate by the food authority.

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LICENSING COMMITTEE INFORMATION SHEET

18 February 2020

INFORMATION NOTE

Applicant: Gordon Officer
Application submitted 29/08/2019
Must be determined by 28/02/2020

Vehicle SF60 AXP has not passed a hackney as required under Licensing Committee policy (one of the 2 required tests must be passed around the renewal date of the licence) and Taxi Licence Condition 5.

In addition, the licence holder has breached Section 11 (1) of the Civic Government (Scotland) Act 1982 by not producing the vehicle for testing as required by the Local Authority.

DESCRIPTION

Grant -Taxi Licence

CONSULTEES

- Police Scotland

OBJECTIONS/REPRESENTATIONS

Legal

COMMITTEE GUIDELINES/POLICY

A licensed vehicle must pass 2 hackney tests per year, one of which must be prior to the grant of the licence, as per Licensing Committee policy.
Taxi Licence condition 5 requires that a vehicle be tested twice per year.
Section 11(1) of Civic Government (Scotland) Act 1982 requires a licence holder to produce a vehicle for inspection as required by the Local Authority.

GROUNDS FOR REFUSAL

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i) for the time being disqualified from holding a licence, or

(ii) not a fit and proper person to be the holder of the licence;

(b)the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c)where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

(v)public order or public safety; or

(d)there is other good reason for refusing the application;

and otherwise shall grant the application.

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